

REMARKS/ARGUMENTS

The Office issued a Notification of Non-compliance with The Requirements of 37 CFR 1.192(C) on October 7, 2004. Through several conversations and voicemail messaging with Examiner Bashore and private PAIR research, it appears as though the Image File Wrapper (IFW) version of the file at the Office has switched the substantive portion of two Office Actions. Specifically, the Office Action mailed on October 31, 2003 ("Second Office Action") has pages 2-7 switched with pages 2-11 of the Office Action mailed on May 7, 2003 ("First Office Action"). In their proper form, these two Office Actions are attached hereto as Exhibits A and B. The improperly scanned IFW versions that reflect the switch are attached as Exhibits C ("Second IFW Office Action") and Exhibit D ("First IFW Office Action").

The above assertion can be objectively verified by viewing IFW Office Actions and the responses to each in the IFW. First, page 1 the IFW Second Office Action indicates that it is responding to the correspondence dated August 22, 2003, but paragraph 1 on page 2 and paragraph 13 on page 10 indicate a response to the correspondence of March 26, 2003. It is further noted that the IFW First Office Action indicates that it is responding to the correspondence of March 26, 2003.

When viewing the IFW, our response to the First Office Action ("First Response") appears directed to the substance of the Second IFW Office Action. According to the IFW, the Second IFW Office Action was issued on October 31, 2003, but our First Response was received on August 04, 2003. The arguments of the First Response to the seemingly new rejections in the Second IFW Office Action are foreshadowed in the First Response, which makes no sense. A switch of pages 2-11 of the IFW Second Office Action with pages 2-7 of the IFW First Office Action is the only reasonable explanation for the First Response foreshadowing the novel arguments of the IFW Second Office Action issued later in time.

Application No. 09/516,209
Response dated November 8, 2004
Reply to Notice of Non-Compliance of October 7, 2004

PATENT

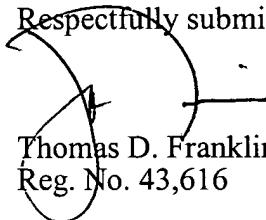
Responding to an earlier voicemail message presenting the above argument, Examiner Bashore left a voicemail message on October 21, 2004 with the undersigned. This message indicated that the file must have been scanned improperly by the scanning contractors. He indicated he would initiate a process to get the IFW corrected. Such action along with removal of the non-compliance rejection is respectfully requested.

Conclusion

Accordingly, Applicants believe the Notification of Non-compliance with The Requirements of 37 CFR 1.192(C) issued on October 7, 2004 was based on an error in the IFW and is now moot. Applicants desire the appeal process to proceed to the Board as quickly as possible noting that the Appeal Brief was filed on March 25, 2004.

If the Examiner believes a telephone conference would expedite appeal of this application, please telephone the undersigned at 303-571-4000.

Date: November 8, 2004

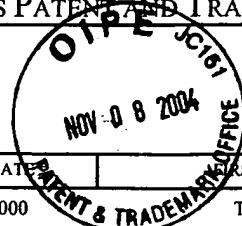
Respectfully submitted,

Thomas D. Franklin
Reg. No. 43,616

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
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TDF/jln
60351528 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

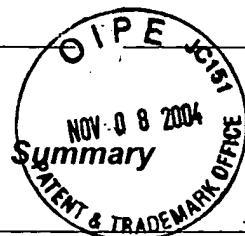
Appendix A: "Second Office Action"



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	LAST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082
7590	10/31/2003			EXAMINER
Darin J Gibby Townsend and Townsend and Crew LLP Two Embarcadero Center 8th Floor San Francisco, CA 94111			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 10/31/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.	Applicant(s)	
09/516,209	ROUMAN ET AL.	
Examiner	Art Unit	
Alain L. Bashore	3624	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14, 29, 35, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, 38 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if purchaser information is validated, not the condition when no validation occurs.

In claim 29, 35 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if checking the validation information is successful, not when it is unsuccessful.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-18, 24-27, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al.

Doggett et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (fig 3). Purchase information from a payee and purchaser information from a payor are both received as payment information (66) from a funds transfer system (80). When the payment information is validated, the payee is notified (130) and funds are transferred. The purchase information includes a purchase price (120), and the purchaser information includes an identification of a purchaser account (122). When the purchaser information is validated a digital IOU is electronically sent to the payee (74). The digital IOU includes the purchase price (fig 6) and can be redeemed (col 8, lines 40-46). Digital signatures are compared (col 12, lines 21-32). Payment info is validated at the fund's transfer system (col 8, lines 36-37)

Doggett et al discloses a funds transfer system separate from the payee system (fig 3). The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account or a credit card account (col 1, lines 6-16). A first and second connection is made between a payee and payor system (fig 3). Means for paying may be an ACH (80). The means for receiving purchase information and means for receiving payment information may be a FTP over a network (col 10, line 27).

Doggett et al does not disclose:

when the purchaser information is not validated, a message is sent to the purchaser and the purchaser is added to a database the payee as a vendor.

Kolling et al discloses a payee as a vendor (col 24, line 53). Kolling et al also discloses when the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

It would have been obvious to one with ordinary skill in the art to include a message is sent to the purchaser when the purchaser information is not validated and the purchaser is added to a database to Doggett et al because Kolling et al teaches such messages for non-sufficient funds notification (col 4, line 52).

It would have been obvious to one with ordinary skill in the art to include the payee as a vendor because Kolling et al teaches equivalence (col 24, lines 53).

5. Claims 29-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and in further view of Rowney et al.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al in further view of Rowney et al.

Doggett et al in view of Kolling et al does not explicitly disclose a method as being part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Doggett et al in view of Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et al teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

6. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and further in view of Walker et al.

Doggett et al in view of Kolling et al in view does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rose et al because Walker et teaches advantages of gift certificates (col1, lines 44-67; col 2, lines 1-33).

7. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al et al in view of Kolling et al in further view of Rowney et al as applied to claims 29-37 above, and further in view of Krishan et al.

Kolling et al in view of Rose et al in further view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

Response to Arguments

8. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

OIR - JC10
JUN 09 2003
U.S. Patent and Trademark Office

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PTO/SB/08B (04-03)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Page		1	of	1	Complete if Known	
				Application Number	09/516,209	
				Filing Date	February 29, 2000	
				First Named Inventor	Allen-Rouman, Terry, et. al.	
				Art Unit	3624	
				Examiner Name	Bashore, Alain L.	
				Attorney Docket Number	020375-002700US	

U.S. PATENT DOCUMENTS					
Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AB	AA	US-5,987,132	11-16-1999	Rowney	
AB	AB	US-6,122,624	09-19-2000	Tetro, et al.	
	AC	US-			
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)			
	AK					<input type="checkbox"/>
	AL					<input type="checkbox"/>
	AM					<input type="checkbox"/>
	AN					<input type="checkbox"/>
	AO					<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	AP				
	AQ				
	AR				
Examiner Signature	<i>Alain L.</i>		Date Considered	10-22-03	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.
DE 7106773 v1

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination ROUMAN ET AL.	
		09/516,209	Examiner	Art Unit 3624
Alain L. Bashore				Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-5,677,955	10-1997	Doggett et al.	705/76
B	US-			
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

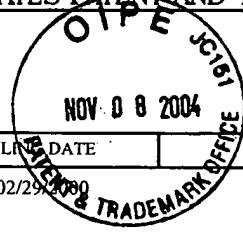
*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)	
U		
V		
W		
X		

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Appendix B: "First Office Action"



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082

7590
Darin J Gibby
Townsend and Townsend and Crew LLP
Two Embarcadero Center
8th Floor
San Francisco, CA 94111

EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/516,209	ROUMAN ET AL.
Examiner	Art Unit	
Alain L. Bashore	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 March 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18 6) Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3-26-03 have been fully considered and are persuasive. The finality of previous office action has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-15, 18, 39-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14-15, 18 recite an abbreviation (IOU) which is not previously defined in the claim.

Claims 39-43 recite "system" which is vague and indefinite since a system may be one of several different statutory classes of invention (including a method or an apparatus). Applicant must indicate on the record what statutory class of invention the system claims belong to. For the purposes of this examination these claims are considered apparatus.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 14-18, 24-27, 29-33, 35-37, 44-46 are rejected under 35 U.S.C. 101 as non-statutory. The method claims as presented do not claim a technological basis in the body of the claim. While the specification discloses such a basis, there is no basis claimed. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural / functional interrelationship which can only be computer implemented is considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

The use of “database” and “digital” per se does not preclude a non-computer method.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Walker et al.

Kolling et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (figure 4). Purchase information from a vendor and purchaser information from a purchaser are both received as payment information(122) from a funds transfer system. When the payment information is validated, the vendor is notified (130) and funds are transferred. The purchase information includes a purchase price, and the purchaser information includes an identification of a purchaser account. When the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

The funds transfer system is separate from the vendor system. The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account. The user account may be a credit card account.

A funds transfer system is disclosed for paying in a transaction with a purchaser, wherein the vendor uses a vendor system and the purchaser users a purchaser system during the transaction. A first and second connection is made between a vendor and purchaser system. Means for validating the transaction is disclosed. The means for validating include: a machine readable medium, means for receiving purchase information, means for receiving payment information, means for comparing, and means for paying. The means for paying may be an ACH. The means for receiving purchase information and means for receiving payment information may be a FTP over a network.

Kolling et al does not disclose:

sending a digital IOU to the vendor after purchase validation, where the digital IOU is comprised of the purchase price and further redeeming the digital IOU; and,

Walker et al discloses sending an IOU (gift certificate) after purchase validation, where the IOU is comprised of the purchase price (col 8, lines 7-14) and further redeeming the IOU (col 8, lines lines 53-64). The IOU to Walker is considered "digital" since there is a digital characteristic associated with the IOU (certificate identifier).

It would have been obvious to one with ordinary skill in the art to include a digital IOU after purchase validation to Kolling et al for the purpose of buying a gift certificate by electronic purchase (i.e. substitution of one type of financial reimbursement for that disclosed by Kolling).

8. Claims 24-27, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al.

Kolling et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (figure 4). Purchase information from a vendor and purchaser information from a purchaser are both received as payment information(122) from a funds transfer system. When the payment information is validated, the vendor is notified (130) and funds are transferred. The purchase information includes a purchase price, and the purchaser information includes an identification of a purchaser account. When the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

The funds transfer system is separate from the vendor system. The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account. The user account may be a credit card account.

A funds transfer system is disclosed for paying in a transaction with a purchaser, wherein the vendor uses a vendor system and the purchaser users a purchaser system during the transaction. A first and second connection is made between a vendor and purchaser system. Means for validating the transaction is disclosed. The means for validating include: a machine readable medium, means for receiving purchase information, means for receiving payment information, means for comparing, and means for paying. The means for paying may be an ACH. The means for receiving purchase information and means for receiving payment information may be a FTP over a network.

Kolling et al does not disclose validating payment info at the fund's transfer system (including use of payment information and purchase information comparisons).

Rose et al discloses confirmation at the funds transfer system using comparisons (col 8, lines 27-39).

It would have been obvious to one with ordinary skill in the art to include confirmation at the funds transfer system to Kolling et al because Rose et al teaches such confirmation as having an anti-fraud purpose (col 10, lines 15-29).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Walker et al as applied to claims 14-17 above, and further in view of Rowney et al.

Kolling et al in view of Walker et al does not explicitly disclose comparing a digital signature.

Rowney et al discloses comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et teaches comparing digital signatures for security purposes (col 1, lines 30-36).

10. Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al in further view of Rowney et al.

Kolling et al in view of Rose et al is rejected as set forth in the previous rejection.

Kolling et al in view of Rose et al does not explicitly disclose a method as being part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16,

lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al to include confirming the digital IOU by comparing a digital signature since Rowney et al teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

11. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al as applied to claims 24-27, 39-44 above, and further in view of Walker et al.

Kolling et al in view of Rose et al does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rose et al because Walker et al teaches advantages of gift certificates (col 1, lines 44-67; col 2, lines 1-33).

12. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al in further view of Rowney et al as applied to claims 29-37 above, and further in view of Krishan et al.

Kolling et al in view of Rose et al in further view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

Response to Arguments

13. Applicant's arguments filed 3-26-03 have been fully considered but are not persuasive regarding "two transaction" argument for claims 24, 29, and 35. Kolling teaches use of an intermediary such that this would meet current recitations regarding transferring funds from a payor account to the funds transfer system to a payee account in two transactions.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nielsen discloses an IOU (discount coupon) where the IOU is digital (204).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore
April 17, 2003

APR 04 2003

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	09/516,209
Filing Date	February 29, 2000
First Named Inventor	Allen-Rouman, Terry, et. al.
Art Unit	3624
Examiner Name	Alain L. Bashore

Attorney Docket Number 020375-002700US

U.S. PATENT DOCUMENTS					
Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AA	US-5,903,721		05-11-1999	Sixtus	
AB	US-				
AC	US-				
AD	US-				
AE	US-				
AF	US-				
AG	US-				
AH	US-				
AI	US-				
AJ	US-				

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GROUP 3600

FOREIGN PATENT DOCUMENTS					
Examiner Initials ³	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)		
AK					<input type="checkbox"/>
AL					<input type="checkbox"/>
AM					<input type="checkbox"/>
AN					<input type="checkbox"/>
AO					<input type="checkbox"/>

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials ⁶	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AP		
	AQ		
	AR		

Examiner
Signature*Alain L. Bashore*Date
Considered

4-16-03

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
DE 7099621 v1

B13

BEST AVAILABLE C

Notice of References Cited		Application/Control No. 09/516,209	Applicant(s)/Patent Under Reexamination ROUMAN ET AL.	
		Examiner Alain L. Bashore	Art Unit 3624	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,002,771	12-1999	Nielsen, Jakob	705/76
B	US-			
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

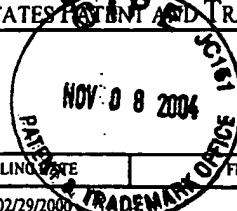
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Appendix C: "Second IFW Office Action"



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082

7590 10/31/2003

Darin J Gibby
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San Francisco, CA 94111

EXAMINER

BASHORE, ALAIN L

ART UNIT 3624
PAPER NUMBER

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/516,209	ROUMAN ET AL.	
	Examiner Alain L. Bashore	Art Unit 3624	
<i>– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –</i>			
Period for Reply <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>22 August 2003</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
Disposition of Claims <p>4)<input checked="" type="checkbox"/> Claim(s) <u>14-18,24-27,29-33,35-37 and 39-46</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>14-18,24-27,29-33,35-37 and 39-46</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
Application Papers <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. <small>Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</small></p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner. <small>If approved, corrected drawings are required in reply to this Office action.</small></p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
Priority under 35 U.S.C. §§ 119 and 120 <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of: 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
Attachment(s) <p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>21</u>.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>			

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3-26-03 have been fully considered and are persuasive. The finality of previous office action has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 14-15, 18, 39-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14-15, 18 recite an abbreviation (IOU) which is not previously defined in the claim.

Claims 39-43 recite "system" which is vague and indefinite since a system may be one of several different statutory classes of invention (including a method or an apparatus). Applicant must indicate on the record what statutory class of invention the system claims belong to. For the purposes of this examination these claims are considered apparatus.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 14-18, 24-27, 29-33, 35-37, 44-46 are rejected under 35 U.S.C. 101 as non-statutory. The method claims as presented do not claim a technological basis in the body of the claim. While the specification discloses such a basis, there is no basis claimed. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural / functional interrelationship which can only be computer implemented is considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

The use of "database" and "digital" per se does not preclude a non-computer method.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Walker et al.

Kolling et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (figure 4). Purchase information from a vendor and purchaser information from a purchaser are both received as payment information(122) from a funds transfer system. When the payment information is validated, the vendor is notified (130) and funds are transferred. The purchase information includes a purchase price, and the purchaser information includes an identification of a purchaser account. When the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

The funds transfer system is separate from the vendor system. The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account. The user account may be a credit card account.

A funds transfer system is disclosed for paying in a transaction with a purchaser, wherein the vendor uses a vendor system and the purchaser uses a purchaser system during the transaction. A first and second connection is made between a vendor and purchaser system. Means for validating the transaction is disclosed. The means for validating include: a machine readable medium, means for receiving purchase information, means for receiving payment information, means for comparing, and means for paying. The means for paying may be an ACH. The means for receiving purchase information and means for receiving payment information may be a FTP over a network.

Kolling et al does not disclose:

sending a digital IOU to the vendor after purchase validation, where the digital IOU is comprised of the purchase price and further redeeming the digital IOU; and,

Walker et al discloses sending an IOU (gift certificate) after purchase validation, where the IOU is comprised of the purchase price (col 8, lines 7-14) and further redeeming the IOU (col 8, lines lines 53-64). The IOU to Walker is considered "digital" since there is a digital characteristic associated with the IOU (certificate identifier).

It would have been obvious to one with ordinary skill in the art to include a digital IOU after purchase validation to Kolling et al for the purpose of buying a gift certificate by electronic purchase (i.e. substitution of one type of financial reimbursement for that disclosed by Kolling).

8. Claims 24-27, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al.

Kolling et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (figure 4). Purchase information from a vendor and purchaser information from a purchaser are both received as payment information(122) from a funds transfer system. When the payment information is validated, the vendor is notified (130) and funds are transferred. The purchase information includes a purchase price, and the purchaser information includes an identification of a purchaser account. When the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

The funds transfer system is separate from the vendor system. The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account. The user account may be a credit card account.

A funds transfer system is disclosed for paying in a transaction with a purchaser, wherein the vendor uses a vendor system and the purchaser uses a purchaser system during the transaction. A first and second connection is made between a vendor and purchaser system. Means for validating the transaction is disclosed. The means for validating include: a machine readable medium, means for receiving purchase information, means for receiving payment information, means for comparing, and means for paying. The means for paying may be an ACH. The means for receiving purchase information and means for receiving payment information may be a FTP over a network.

Kolling et al does not disclose validating payment info at the fund's transfer system (including use of payment information and purchase information comparisons).

Rose et al discloses confirmation at the funds transfer system using comparisons (col 8, lines 27-39).

It would have been obvious to one with ordinary skill in the art to include confirmation at the funds transfer system to Kolling et al because Rose et al teaches such confirmation as having an anti-fraud purpose (col 10, lines 15-29).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Walker et al as applied to claims 14-17 above, and further in view of Rowney et al.

Kolling et al in view of Walker et al does not explicitly disclose comparing a digital signature.

Rowney et al discloses comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et teaches comparing digital signatures for security purposes (col 1, lines 30-36).

10. Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al in further view of Rowney et al.

Kolling et al in view of Rose et al is rejected as set forth in the previous rejection.

Kolling et al in view of Rose et al does not explicitly disclose a method as being part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16,

lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al to include confirming the digital IOU by comparing a digital signature since Rowney et al teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

11. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al as applied to claims 24-27, 39-44 above, and further in view of Walker et al.

Kolling et al in view of Rose et al does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rose et al because Walker et al teaches advantages of gift certificates (col 1, lines 44-67; col 2, lines 1-33).

12. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Rose et al in further view of Rowney et al as applied to claims 29-37 above, and further in view of Krishan et al.

Kolling et al in view of Rose et al in further view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

Response to Arguments

13. Applicant's arguments filed 3-26-03 have been fully considered but are not persuasive regarding "two transaction" argument for claims 24, 29, and 35. Kolling teaches use of an intermediary such that this would meet current recitations regarding transferring funds from a payor account to the funds transfer system to a payee account in two transactions.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nielsen discloses an IOU (discount coupon) where the IOU is digital (204).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
April 17, 2003

Appendix D: "First IFW Office Action"



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082

7590 05/07/2003

Darin J Gibby
Townsend and Townsend and Crew LLP
Two Embarcadero Center
8th Floor
San Francisco, CA 94111

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/516,209	ROUMAN ET AL.
	Examiner Alain L. Bashore	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 March 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14, 29, 35, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, 38 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if purchaser information is validated, not the condition when no validation occurs.

In claim 29, 35 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if checking the validation information is successful, not when it is unsuccessful.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 14-18, 24-27, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al.

Doggett et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (fig 3). Purchase information from a payee and purchaser information from a payor are both received as payment information (66) from a funds transfer system (80). When the payment information is validated, the payee is notified (130) and funds are transferred. The purchase information includes a purchase price (120), and the purchaser information includes an identification of a purchaser account (122). When the purchaser information is validated a digital IOU is electronically sent to the payee (74). The digital IOU includes the purchase price (fig 6) and can be redeemed (col 8, lines 40-46). Digital signatures are compared (col 12, lines 21-32). Payment info is validated at the fund's transfer system (col 8, lines 36-37)

Doggett et al discloses a funds transfer system separate from the payee system (fig 3). The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account or a credit card account (col 1, lines 6-16). A first and second connection is made between a payee and payor system (fig 3). Means for paying may be an ACH (80). The means for receiving purchase information and means for receiving payment information may be a FTP over a network (col 10, line 27).

Doggett et al does not disclose:

when the purchaser information is not validated, a message is sent
to the purchaser and the purchaser is added to a database
the payee as a vendor.

Kolling et al discloses a payee as a vendor (col 24, line 53). Kolling et al also discloses when the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

It would have been obvious to one with ordinary skill in the art to include a message is sent to the purchaser when the purchaser information is not validated and the purchaser is added to a database to Doggett et al because Kolling et al teaches such messages for non-sufficient funds notification (col 4, line 52).

It would have been obvious to one with ordinary skill in the art to include the payee as a vendor because Kolling et al teaches equivalence (col 24, lines 53).

5. Claims 29-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and in further view of Rowney et al.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al in further view of Rowney et al.

Doggett et al in view of Kolling et al does not explicitly disclose a method as being part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Doggett et al in view of Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et al teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

6. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and further in view of Walker et al.

Doggett et al in view of Kolling et al in view does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rose et al because Walker et teaches advantages of gift certificates (col1, lines 44-67; col 2, lines 1-33).

7. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al et al in view of Kolling et al in further view of Rowney et al as applied to claims 29-37 above, and further in view of Krishan et al.

Kolling et al in view of Rose et al in further view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

Response to Arguments

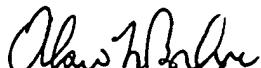
8. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600